

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Frederick L. Bixler	Confirmation No. 5482
Serial No.:	10/752,074	Examiner: Hylton, Robin Annette
Filed:	January 5, 2004	Art Unit: 3727
Patent No.:	7,344,039	
Issued:	March 18, 2008	
For:	Tamper Indicating Closure With Foldable Tab	

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

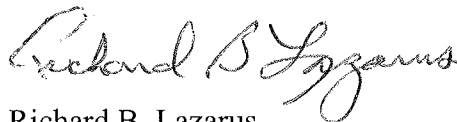
Attached is a Certificate of Correction form which requests that the captioned patent be corrected to reflect the Domestic Priority data as claimed by applicants and as shown on the attached Updated Filing Receipt for the '074 application which has matured into the '039 patent.

As shown by the attached copy of the official Filing Receipt and applicants' response filed 20 November 2007, the domestic priority data should have been shown on the issued patent. Apparently a typographic error made by the Patent Office has been made.

Based on the above information and the attached copies, it is respectfully requested that a Certificate of Correction be issued showing the correct domestic priority data. Since it appears that the omission is an inadvertent error made by the Patent Office, it is believed that there are no fees due in connection with this Request for a Certificate of Correction. However, if any fees are due, please charge such fees to Barnes & Thornburg, Deposit Account No. 10-0435 (5723-200255).

Respectfully submitted,

BARNES & THORNBURG LLP



Richard B. Lazarus

Reg. No. 48,215

Tel. No. (202) 371-6348

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,344,039
APPLICATION NO.: 10/752,074
ISSUE DATE : March 18, 2008
INVENTOR(S) : Robin Annette Hylton

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page of the patent, please insert the following:

-- Related U.S. Application Data

(63) Continuation-in-part of application No. 10/041,398, filed on January 8, 2002, now Pat. No. 6,673,298, which is a divisional of application No. 09/131,371, filed August 7, 1998, now Pat. No. 6,371,317. --

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Attorney Docket No. 5723-200255
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Frederick L. Bixler	Confirmation No.	5482
Serial No.:	10/752,074	Examiner:	Hylton, Robin Annette
Filed:	January 5, 2004	Art Unit:	3781
For:	Tamper Indicating Closure With Foldable Tab		

RESPONSE TO 10 SEPTEMBER 2007 FINAL OFFICE ACTION

Mail Stop AF
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Barnes & Thornburg Customer No: 23643 U.S. Patent and Trademark Office

Sir:

This is in response to the 10 September 2007 office action.

Claim 22 remains cancelled without prejudice or disclaimer of the subject matter therein.

Claims 1-21 and 23-26 stands rejected under 35 U.S.C. 103 as unpatentable over Krueger (U.S. Patent No. 6,371,317) in view of Couput (U.S. Patent No. 4,546,892). Reconsideration and withdrawal of this rejection is requested on the basis that the '317 patent is not prior art to the present application. The present application includes a paragraph at the beginning of the specification claiming benefit of the '317 patent. Benefit was previously refused on the ground that the present application does not have an inventor in common with the '317 patent. Attached is a copy of the 14 November 2007 Decision of Paul Shanowski, Senior Attorney, Office of Petitions, U.S. Patent and Trademark Office which grants applicants' petition adding David F. Krueger (the inventor in the '317 Krueger patent) as an inventor in the present application. The present application papers are in compliance with the requirements of 35 U.S.C. 120 re benefit of the filing date of the '317 patent and the '317 patent is not prior art to the present application.

For the above reasons, withdrawal of this rejection is, respectfully, requested.

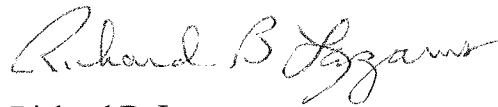
In view of the above, it is submitted that the claims (Nos. 1-21 and 23-26) are in condition for allowance and such action is, respectfully, requested.

If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

It is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (5723-200255).

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in cursive script, appearing to read "Richard B. Lazarus".

Richard B. Lazarus

Reg. No. 48,215

Tel. No. (202) 371-6348



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/752,074	01/05/2004	1732	1452	36559/470	18	22	9

CONFIRMATION NO. 5482

26646
 KENYON & KENYON
 ONE BROADWAY
 NEW YORK, NY 10004

UPDATED FILING RECEIPT



OC000000016115073

Date Mailed: 05/25/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Frederick L. Bixler, Sinking Spring, PA;
 Doug Coners, Scottsville, KY;
 Don Rochow, Reading, PA;

Power of Attorney:

Albert Breneisen-25054
 Thomas Meloro-33538
 Clifford Ulrich-42194

Domestic Priority data as claimed by applicant

This application is a CIP of 10/041,398 01/08/2002 PAT 6,673,298
 which is a DIV of 09/131,371 08/07/1998 PAT 6,371,317

Foreign Applications

If Required, Foreign Filing License Granted: 10/04/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/752,074**

Projected Publication Date: 09/01/2005

Non-Publication Request: No